

Stevens & Lee

485 Madison Avenue, 20th Floor
New York, NY 10022
(212) 319-8500
www.stevenslee.com

T: (646) 254-6381
F: (610) 371-8591
michael.eisenberg@stevenslee.com

October 12, 2023

VIA CM/ECF

The Hon. Frank P. Geraci, Jr.
United States District Judge
U.S. Courthouse
100 State Street
Rochester, New York 14614

Re: *ValveTech, Inc. v. Aerojet Rocketdyne, Inc.*, No. 6:17-cv-06788-FPG-MJP, Proposed Pretrial Conference Agenda

Dear Judge Geraci:

In anticipation of the Pretrial Conference scheduled in the above matter for Monday, October 16 at 11 a.m., Aerojet Rocketdyne, Inc., through counsel, respectfully provides a list of additional topics that Aerojet Rocketdyne would like to address during the Pretrial Conference. First is a list of procedural issues:

1. The Court's preference for the number of times a party may call the other side's witnesses, such as whether a party may call the other side's witnesses adversely during its case in chief (*i.e.*, such that many or all of the fact witnesses would likely be called twice), or whether the Court would instead prefer such witnesses be called only once;
2. The Court's preference for the formalities of seeking admission of documents into evidence;
3. The Court's preference regarding for the formalities of impeachment;
4. The Court's preference for how the parties should address issues on which it tentatively ruled at the *in limine* stage (*i.e.*, whether and how the Court would want a proffer without the jury before a party ventures into that territory);
5. The contents of the jury binders, specifically whether the Court would permit jury binders that include the (1) ValveTech's trade secret disclosure, (2) the 2011 NDA, and (3) the 2017 NDA; and

Allentown • Bergen County • Bala Cynwyd • Fort Lauderdale • Harrisburg • Lancaster • New York
Philadelphia • Princeton • Reading • Rochester • Scranton • Valley Forge • Wilkes-Barre • Wilmington
A PROFESSIONAL CORPORATION

Stevens & Lee

October 12, 2023

Page 2

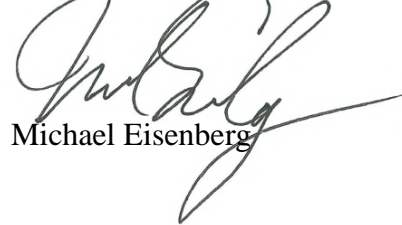
6. The Court's preference as to the use of video of deposition testimony during opening statements.

Additionally, Aerojet Rocketdyne, Inc. seeks to request permission to raise the following more substantive topics with the Court's permission:

1. The applicability of Federal Rule of Evidence 703 as a proper basis for Mr. Blok's reliance on the Boeing "penalty" letter;
2. The permissibility of ValveTech's playing of video testimony from Mr. Landau during trial; and
3. The treatment of documents identified for trial that include confidential Missile Defense Agency information.

Very truly yours,

STEVENS & LEE



Michael Eisenberg